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FILED
DISTRICT COURT OF GUAM

DEC 13 2004

MARY L. M. MORAN
CLERK OF COURT

6 **Attorneys for Respondents**

7 **IN THE DISTRICT COURT OF GUAM**
8 **HAGÅTÑA, GUAM**

9 JULIE BABAUTA SANTOS, individually)
10 and on behalf of all those similarly situated,)

11 Petitioner,)

12 vs.)

13 FELIX P. CAMACHO, Governor of Guam;)
14 ART ILAGAN, Director of Department of)
Revenue and Taxation; LOURDES M.)
15 PEREZ, Director of Department of)
Administration; DOUGLAS B. MOYLAN,)
16 Attorney General of Guam; and)
GOVERNMENT OF GUAM,)

17 Respondents.)

18 Civil Case No. 04-00006

**EX PARTE MOTION TO SHORTEN
TIME TO HEAR MOTION FOR
CONTINUANCE**

19 Pursuant to F.R.Civ.P., Rule 6(b), the Attorney General of Guam, respectfully moves the
20 Court *ex parte* to shorten time to hear his Motion for Continuance of the hearing presently set
21 for December 17, 2004. In support, the Attorney General respectfully says as follows:
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MEMORANDUM OF POINTS AND AUTHORITIES

Rule 6(b)1, F.R.Civ.P. provides in pertinent part:

When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefore is made before the expiration of the period originally prescribed or as extended by a previous order....

As shown in the Motion for Continuance, no party can legitimately dispute that the Attorney General has shown good cause for a continuance considering: (1) the three attorneys qualified to appear have unavoidable personal commitments of a most serious nature; (2) the unavailability of any other attorney in the Office to adequately prepare and present argument to the Court on short notice; (3) the lack of objection by all but one attorney in this matter, namely, counsel for the plaintiffs; (4) the lack of prejudice to any opposing parties; (5) the agreed upon necessity for witness testimony at a hearing; (6) the likelihood of “lengthy” argument on the preliminary question of who represents whom, and accordingly, what defenses will be asserted and what defenses will not be, thus critically defining the nature of the remainder of the case and, significantly, whether there even remains a preliminary settlement for the parties to pursue; (7) the high probability someone will move that this case be consolidated with *Charmaine R.. Torres v. Government of Guam, Felix P. Camacho, et al*, Civil Case No. 04-00038; and the recently filed *Mary Grace Simpao and Christina M.S. Naputi*, Civil case No. 04-00049; (8) the possibility that someone may object to the current exercise of jurisdiction by the Magistrate-Judge; and (9) that in light of all the above, what was originally scheduled and plaintiffs are insisting be heard, “Petitioner’s Motion for Orders Approving the Administration Plan, [etc.]” will likely serve no purpose at all.

This ex parte motion and application is based upon the files and records herein, and the declaration of Robert M. Weinberg filed contemporaneously herewith.

WHEREFORE, The Attorney General of Guam, respectfully moves the Court to shorten time and schedule the motion for continuance at the earliest practicable opportunity prior to December 17, 2004.

This 13rd day of December, 2004.

**OFFICE OF THE ATTORNEY GENERAL
Douglas B. Moylan, Attorney General**

Robert M. Weinberg
Assistant Attorney General
Attorney for Respondents and
Attorney General Douglas B. Moylan